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ABSTRACT

This paper reviews the contributions of the United States to the promotion of children's rights. In the 19th century, the United States created public schools to supplement family education. Societies to protect children were also established. Early in the 20th century, the government began a series of White House Conferences on Children and Youth, which resulted in the creation of the Children's Bureau in 1912 and the promulgation of the Children's Charter in 1930. In the 1930s, the Emergency Nursery Schools program and the Social Security Act improved the lives of children. After World War II, a series of Supreme Court decisions reversed the practice of "separate but equal" racial facilities and implemented school racial integration and busing. Since World War II, legislation concerning children has included: (1) the National School Lunch Act; (2) the Maternal, Child Health and Mental Retardation Act; (3) Project Head Start; (4) laws to strengthen education for educationally deprived children in low-income areas; (5) the Bilingual Education Act; (6) the Child Abuse Prevention and Treatment Act; and (7) the Education for the Handicapped Act. Nine references are cited. An appendix includes a copy of the Children's Charter. (BC)

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UNITED STATES CONTRIBUTIONS TO CHILDREN'S RIGHTS: An overview of the 20th Century

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The purpose of this paper is to give an overview of what the U.S.A. has contributed todate to promote Children's Rights.

Background

The first international document concerned with children was Article 23 of the League of Nations Covenant signed at Versaille in 1919. Article 23, contains clauses providing for international cooperation in matters relating to the health and welfare of women and children (Gesell,1923,p.217).

In 1959, the U.N. adopted the Declaration of the Rights of the Child. It has ten principles and asserts in the Preamble that "mankind owes the child the best it has to give." These were restatements of the 1948 Declaration of Human Rights. It is advisory and not binding on nations.

The most recent concern of the international community about the care and education of children is the Convention on the Rights of the Child, adopted November 1989 and entered into force September, 1990. It complements the 1959 Declaration. The Convention holds society legally responsible for meeting its obligations to make these rights meaningful for every child in the world.

As soon as the Convention is ratified by each member nation, it becomes law and legally binding for that nation. The countries who sign the Convention are agreeing to adopt it and to incorporate in their laws these international standards and measures. The U.S. has not ratified the Convention as yet (February, 1992).

The Convention started being drafted during 1979, the International Year of the child. It was Poland which proposed such a treaty, in 1978, as their contribution to the International Year of the child.

United States Contributions

Since achieving nationhood, the U.S. has created institutions,

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promulgated legislation, and enacted Court decisions on behalf of the children.

During the 19th century, the U.S. created institutions such as the public schools to supplement the educational function of the family and to bring social control of the children. Schools were a social investment for the individual and the society. Boys went to school so they could compete in the industrialized society and girls so they could become better mothers. Massachusetts passed the first state-wide compulsory school attendance law in 1852 (Cremin,1964,p.127).

There is no reference to education and/or to schools in the U.S. Constitution. It appears that the founding fathers meant for schools to be created and regulated at the local level. Children's Aid Societies were created almost concurrently with the schools, to take care of the children with whom the schools were unsuccessful (dropouts?) and left to roam the streets unprotected. Thus in 1853, New York established A Children's Aid Society (Bremner, 1970).

Societies for the Protection of Cruelty to Children were also established in order to protect the children from neglect and abuse in their own homes. The New York Society for the Prevention of Cruelty to Children was organized in 1874, and the one in Massachusetts in 1878 (Bremner, 1971, p.189, 1523). A few years later, 1892, Kate Douglas Wiggin published a book about Children's Rights.

White House Conferences

Early in the 20th century, the federal government began the White House Conferences on Children and Youth, which called attention to the problems suffered by children and their families and helped shape public opinion and public policy. The first White House Conference was in 1909, under President Theodore Roosevelt. The White House Conferences took place every ten years thereafter, till 1980.

One of the results of the 1909 White House Conference was the creation of the U.S. Children's Bureau in 1912, by an Act of Congress signed by President Taft. The federal government, for the first time, recognized its responsibility to protect and promote the health and welfare of the children of the entire nation. The Bureau had broad powers. It would be an advocate for all children throughout the nation; it would publicize facts about the interrelated economic, social, health, and legal conditions affecting the lives of children and their families; it would promote legislation; it offered many publications on child rearing and other related

areas. To-day the children's Bureau is only a part of the Administration for Children, Youth and Families, in the Department of Health and Human Services (Grotberg,1976, pp.408-420; Eliot,1972, pp.2-6).

The third White House Conference (1930) under President Hoover, produced The U.S. Children's Charter (Bremner, 1971, pp.106-108),(Appendix).

The Children's Charter stipulated the rights of children, regardless of race, color, location or situation. It contains 19 articles. Among the provisions in the Charter are health protection from birth through adolescence (#5), a safe home to live in (#7) and a safe school to learn (#8). The latter included nursery schools and kindergartens for the younger children to supplement home care. A developmental education for every child (#10), and special education for handicapped children (#13). The Charter is not binding either for the states or for the federal government to act.

Highlights of 20th century U.S. Legislation

In 1921 the Congress passed the Sheppard-Towner Act. It was designed to reduce infant mortality through a federal-state program providing grants-in-aid to the states to provide prenatal care to pregant women and to establish clinics for infants and children (Eliot, 1972,p.3). Stipulating that the basic right a child has <u>is the right to life</u>, the Sheppard-Towner Act made a major commitment on the part of the U.S. government to that right.

Unfortunately the Sheppard-Towner Act was repealed in 1929 because of active opposition by conservative interests led by the American Medical Association. The long term consequence of that reversal is that the infant mortality rate in the U.S. is higher than any of the other industrialized nations.

During the economic depression of the 1930's, President Franklin D.Roosevelt created several programs to improved the lives of children. Two of the programs were the Emergency Nursery Schools in 1933 and the Social Security Act in 1935. The latter included federal grants-in-aid to the states for aid to dependent children, maternal & child health programs, programs for crippled children, and child welfare services (Lascarides, 1989).

Legislation after World War II

The National School Lunch Act was passed in 1946 to combat

malnutrition and its effects on growth and learning abilities of children. It provided for grants to states and territories to maintain, operate, and expand school lunch programs. The Child Nutrition Act of 1966 retained the school lunch and milk programs and added a new breakfast program in poor districts (Bremner, 1974, p.1990,1991).

The Civil Rights Acts of 1957 & 1964; and the Voting Rights Act of 1965, are milestone legislation after World War II, which affected profoundly the lives of children and their families.

U.S. Supreme Court Decisions after World War II

One of the most powerful influences in the field of education over the past four decades have been the decisions reached by the Supreme Court. The Courts have applied the concept of constitutional rights to nearly every aspect of education.

In Brown v. Board of Education (1954), the U.S. Supreme Court unanimously reversed the doctrine of "separate but equal" and ruled that legal separation on the basis of race violates the Fourteenth Amendment.

In Griffin v. County School Board of Prince Edward County (1964), the U.S.Supreme Court held the county's attempt to evade Court ordered integration by keeping the public schools closed since 1959 and providing grants for white children to attend private schools, violated the equal protection clause of the Fourteenth Amendment.

In Swann v. Charlotte-Mecklenburg Board of Education (1971), the Supreme Court ordered busing in order to achieve racial balance in schools (Bremner,1974, p.1991,1995,1998).

Although the Federal Courts, acted on intergration decisions prompty, it took some time for those decisions to be implemented nationwide. Massachusetts, for example, did not integrate its public schools until the Fall of 1975.

Other Important Legislation

In 1964, Congress passed the Maternal, Child Health and Mental Retardation Act which provided funds to deal with premature birth, infant mortality, retardation and neurological disease.

In 1965, President Johnson launched Project Head Start, to

improve the conditions of learning, social development, and health care of preschool children and their families. In 1972, Head Start established a requirement that 10% of its enrollment should be preserved for children with handicaps.

In 1965, Congress authorized the Elementary and Secondary Education Act, in order to strengthen elementary and secondary school programs for educationally deprived children in low-income areas.

In 1968, President Johnson signed into Law the Bilingual Education Act, which authorized funds to local educational agencies for creating programs to meet the educational needs of children whose dominant language was other than English.

In 1971 Congress passed the Comprehensive Child Care Act to make day care available to all children. President Nixon, however, vetoed it as "fiscally irresponsible" (Bremner, 1974, pp.1994-1999).

Child abuse was targeted with The Child Abuse Prevention and Treatment Act of 1973. Also in 1973, Congress established the National Center on Child Abuse and Neglect.

The Federal Child Care Law of 1990 provided new money for child care (Hymes, 1991, p.406).

Legislation for the Handicapped

In 1963 President Kennedy established the Bureau of Education for the Handicapped. In 1970 Congress passed the Education of the Handicapped Act which provided teacher training and education in selected schools programs for the handicapped (Bremner, 1974, p.1998). In 1975, The Education for All Handicapped Children Act was enacted. It provides free and adequate public school education for all handicapped children in the nation (Hymes, 1991, p.81).

In 1987, the Education for the Handicapped Act Amendment, provided additional money in incentive grants to states to extend their services to handicapped and developmentally delayed children from birth to age five (Hymes, 1991, p.331).

Summary

The U.S. has created institutions, enacted legislation and implemented Court decisions to promote children's rights, both at the federal and state levels, for the better part of the 20th century.

What is often lacking is the necessary level of funding for the implementation. Unless there are adequate funds to implement and monitor at the state and local level, the best articulated rights for the children will have no meaning and they will remain in the thinking level. One of the ways to solve the problem of adequate funding is for each one of us , in addition to or in conjunction with our professional roles as teachers, to become an advocate for the needs of children we teach.

Last, but not least, each child is assured of his or her rights by what happens in the classroom day in and day out.

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APPENDIX

The Children's Charter

(1) For every child, spiritual and moral training to help him to stand firm under the pressure of life.

(2) For every child, understanding and the guarding of his personality as his most precious right.

(3) For every child, a home and that love and security which a home provides; and for that child who must receive foster care, the nearest substitute for his own home.

(4) For every child, full preparation for his birth, his mother receiving prenatal, natal, and postnatal care; and the establishment of such protective measures as will make childbearing safer.

(5) For every child, health protection from birth through adolescence, including: periodical health examinations and, where needed, care of specialist and hospital treatment: regular dental examination and care of the teeth; protective and preventive measures against communicable diseases; the issuing of pure food, pure milk, and pure water.

(6) For every child, from birth through adolescence, promotion of health, including health instruction and a health program, wholesome, physical and mental recreation, with teachers and leaders adequately trained.

(7) For every child, a dwelling place, safe, sanitary, and wholesome, with reasonable provisions for privacy, free from conditions which tend to thwart his development; and a home environment harmonious and enriching.

(8) For every child, a school which is safe from hazards, sanitary, properly equipped, lighted, and ventilated. For younger children, nursery schools and kindergartens to supplement home care.

(9) For every child, a community which recognizes and plans for his needs; protects him against physical dangers, moral hazards and diseases; provides him with safe and wholesome places for play and recreation; and makes provision for his cultural and social needs.

(10) For every child, an education which, through the discovery and development of his individual abilities, prepares him for life; and through training and vocational guidance prepares him for a living which will yield him the maximum of satisfaction.

(11) For every child, such teaching and training as will prepare him for successful parenthood, homemaking, and the rights of citizenship; and, for parents, supplementary training to fit them to deal wisely with the problem of parenthood.

(12) For every child, education for safety and protection against accidents to which modern conditions subject him--those to which he is directly exposed, and those which, through loss or maiming, of his parents, affect him indirectly.

(13) For every child who is blind, deaf, crippled, or otherwise physically handicapped, and for the child who is mentally handicapped, such measures as will early discover and diagnose his handicap, provide care and treatment, and so train him that he may become an asset to society rather than a liability. Expenses of these services should be borne publicly where they cannot be privately met.

(14) For every child who is in conflict with society, the right to be dealt with intelligently as society's charge, not society's outcast; with the home, the school, the church, the court and the institution when needed, shaped to return him whenever possible to the normal stream of life.

(15) For every child, the right to grow up in a family with an adequate standard of living and the security of a stable income as the surest safeguard against social handicaps.

(16) For every child, protection against labor that stunts growth, either physical or mental, that limits education, that deprives children of the right of comradeship, of play and of joy.

(17) For every rural child, as satisfactory schooling and health services as for the city child, and an extension to rural families of social, recreational and cultural facilities.

(18) To supplement the home and the school in the training of youth, and to return to them those interests of which modern life tends to cheat children, every stimulation and encouragement should be given to the extension and development of the voluntary youth organizations.

(19) To make everywhere available these minimum protections of the health and welfare of children, there should be a district, county or community organization for health, education and welfare, with full-time officials, coordinating with a state-wide program which will be responsible to a nation-wide service of general information, statistics and scientific research. This should include:
(a) Trained full-time public health officials with public health nurses, sanitary inspection, and laboratory workers. (b) Available hospital beds. (c) Full-time public welfare service for the relief, aid, and guidance of children in special need due to poverty, misfortune, or behavior difficulties, and for the protection of children from abuse, neglect, exploitation ow moral hazard.

For every child these rights, regardless of race, or color, or situation, wherever he may live under the protection of the American Flag.